

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, DC 20054

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In re Petition of

Federal Communications Commission
Office of Secretary

NATIONAL TRANSLATOR
 ASSOCIATION
 Westminster, Colorado

RM-10666

For Amendment of Part 74 of the
 Commission's Rules to Add a
 Rural Translator Service

To: The Commission

COMMENTS

Entravision Holdings, LLC ("Entravision"), by its attorneys and pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby files these Comments in support of the Petition of the National Translator Association ("NTA") to amend Part 74 of the Commission's Rules ("Petition"). In its Petition, NTA identifies a deficiency in free over-the-air television service to rural areas of the United States, and proposes that the Commission correct this deficiency by means of a "Rural Translator Service" ("Service"), involving an expedited application process for applicants proposing to provide translator-only service to rural areas. Entravision submits that the Service, as proposed by NTA, is in the public interest and should be adopted by the Commission. In support thereof, Entravision states as follows.

As pointed out by NTA, distance and terrain features limit the access of many rural communities to free over-the-air television. *See* Petition at 3. While cable and satellite operators may offer service to residents in some rural areas, these residents are no less entitled to free over-the-air television than their urban counterparts, and should not be required to pay for cable and/or

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satellite services in order to receive programming responsive to their interests and needs.

Bringing free over-the-air television to currently underserved populations in rural areas is in accord with Commission policy and would clearly promote the public interest. As recognized by the United States Court of Appeals for the District of Columbia:

Section 1 of the Communications Act of 1934, 47 U.S.C.A. § 151, directs the Commission to make radio (and presumably television also) available as far as possible to ‘all the people of the United States.’ Section 307(b) of the Act, 47 U.S.C.A. § 307(b), repeats this mandate, stressing that the Commission shall provide a ‘fair, efficient, and equitable distribution’ of service ‘among the several States and communities.’ The general intention of Congress is clear. The Commission sought to implement it in its Sixth Report and Order of April, 1952, where it established [its television allotment priorities].

Television Corporation of Michigan, Inc. v. FCC, 294 F.2d 730, 732 (D.C. Cir. 1961).¹

Moreover, as noted by NTA, increased television service to rural areas via new translators would further the transition to digital television. *See* Petition at 4. Currently, residents in many rural communities have little incentive to invest in digital technology due to the limited availability of digital programming in these communities. Digital television translators could help bring digital television to rural communities and thereby accelerate the DTV transition.

As demonstrated by NTA, television translators provide a very practical and economical means of delivering over-the-air signals to these communities. *See* Petition at 3. However, due to procedural constraints, such as the filing windows relied upon by the Commission in

¹ The Commission has established the following television allotment priorities: (1) to provide at least one television service to all parts of the United States; (2) to provide each community with at least one television broadcast service; (3) to provide a choice of at least two television services to all parts of the United States; (4) to provide each community with at least two television services to all parts of the United States; and (5) any channels which remain unassigned under the foregoing priorities will be assigned to the various communities depending on the size of the population of each community, the geographical location of such community, and the number of television services available to such community from television stations located in other communities. *See Sixth Report and Order on Television Allocations*, 41 FCC Rcd 148, 167 (1952).

connection with television translator applications, an insufficient number of television translators have been authorized to serve rural communities. *See id.* at 5. The Commission could overcome the relative paucity of rural television translators by streamlining the application process for applicants proposing translator-only service to areas that satisfy certain Commission-established criteria for rural communities.

Entravision also supports the criteria proposed by NTA for defining rural communities. NTA suggests that a rural area be defined as “an area in which residents are unable to receive at least a Grade B signal from four television stations.” Petition at 4. In computing the number of stations that provide a Grade B signal to an area, NTA suggests relying upon stations’ predicted Grade B contour. Thus, under NTA’s proposal, if an area is beyond the predicted Grade B contour of a station, the area should be presumed to receive no service from that station. If an area is within the predicted Grade B contour of a station, that station should be counted in the area’s station totals for purposes of determining whether the area qualifies as a rural area. However, NTA asserts that applicants should be permitted to use Longley-Rice terrain studies to show whether a station that provides Grade B coverage to an area, as a predictive matter, provides actual service to the area. *See* Petition at 4 (citing “Longley-Rice Terrain Dependant Population Count,” OET Bulletin 69). A station that does not provide actual service, then, would not be counted in the area’s station totals for purposes of determining the community’s qualification as a rural area. Entravision submits that NTA’s proposed criteria provide an effective means of targeting those areas most in need of additional television translator services.

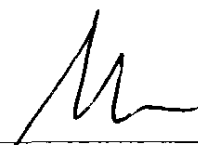
In conclusion, the provision of greater numbers of free over-the-air television services to qualified rural areas by means of television translators is clearly in the public interest. Not only would the Service help bring free over-the-air television to rural audiences, but it would also help

advance the DTV transition by providing residents of rural communities with incentives to invest in digital technology. The Service proposed by NTA is unquestionably in the public interest, and the Commission should adopt such rural translator policies to facilitate the deployment of television translators to those qualified rural areas most in need of a full complement of television stations.

WHEREFORE, Entravision Holdings, LLC hereby requests that the Commission commence a rulemaking proceeding proposing to amend Part 74 of the Commission's Rules to add a rural translator service, as proposed by the National Translator Association.

Respectfully submitted,

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